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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/935,672 | 08/24/2001 | Ronald D. Blum | 10551/213 | 3424 |
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| KENYON & KENYON | | | EXAMINER | |
| | ET, N.W., SUITE 700 N, DC 20005 | | CHIN, RAI | NDALL E |
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| | | | 1744 | α |
| | | | DATE MAILED: 09/30/2003 | 7 |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Application No. Applicanties | | | |
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| Examiner Randall Crin 1744 17 | | Application No. | Applicant(s) |
| Randall Chin 1744 - Th. MALING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. THE MALING DATE OF THIS COMMUNICATION. If the pariod for right is predicted show is less than thirty (30) stys, is reply within the statutory minimum of builty (30) stys will be considered timely. If the pariod for right is predicted show is less than thirty (30) stys, is reply within the statutory minimum of builty (30) stys will be considered timely. If the pariod for right is predicted show is less than thirty (30) stys, is reply within the statutory minimum of builty (30) styp. is reply within the statutory minimum of builty (30) styp. is reply within the statutory minimum of builty (30) styp. is reply within the statutory minimum of builty (30) styp. is reply within the statutory minimum of builty (30) styp. is reply within the statutory minimum of builty (30) styp. is reply within the statutory minimum of builty (30) styp. is reply within the statutory minimum of builty (30) styp. is reply within the statutory minimum of builty (30) styp. is reply within the statutory minimum of builty (30) styp. is reply within the statutory minimum of builty (30) styp. is structured with the production of the statutory minimum of builty (30) styp. is structured with the production (31) styp. is structured with the practice under £x parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-32 is/are pending in the application. 4) Of the above claim (s) 1-32 is/are withdrawn from consideration. 5) Claim(s) 1-32 is/are rejected. 7) Claim(s) 1-32 is/are rejected to 90 the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The proposed drawing correction filed on 1 is/are allowed. 10 the drawing(s) filed on 1 is/are allowed. 11 provided the production of the statutory statutory statut | • | 09/935,672 | BLUM ET AL. |
| - Th. MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Elementor form may be evaluated under the previous of 3 CPR 1.13(a), in or event, however, may a reply be timely filed after 51 x (6) MONTHS from the melling date of this communication. Plant (1) (a) (b) to event, however, may a reply be timely filed after 51 x (6) MONTHS from the melling date of this communication. Plant (1) (a) (b) (b) (b) (b) (b) (c) (c) (c) (c) (d) (d) (d) (d) (d) (d) (d) (d) (d) (d | Office Action Summary | Examiner | Art Unit |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of lines may be available under the provisions of 37 CPR 1.58(a). In ne event, however, may a reply be timely filed Ethop condition of the reply specified above. The provisions of 37 CPR 1.58(a). In ne event, however, may a reply be timely filed Ethop period for reply is period above. The maximum stabletup period will apply and will acque 50 K(s) Molth 155 from the mailing date of this communication. Ethop period for reply is specified above. The maximum stabletup period will apply and will acque 50 K(s) Molth 155 from the mailing date of this communication, according to the communication of the communication | | Randall Chin | 1744 |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CPR 1.78(a). In or event, however, may a reply be timely flied If the period for reply apecified above is less than thirty (30) days, a reply within the statutory printing that or reply apecified above is less than thirty (30) days, a reply within the statutory printing of reply in specified above is less than thirty (30) days, a reply within the statutory printing of reply in specified above is less than thirty (30) days, a reply within the statutory printing of reply in specified above is less than thirty (30) days, a reply within the statutory printing of reply will, by claims (20) days will be considered timely. If the period for reply apecified above is less than thirty (30) days, a reply within the statutory printing of the statutory printing of the period of the communication. See (5) (6) MONTHS from the healing date of this communication. Fill the period for reply apecified above is less than thirty (30) days will be considered timely. If the period for reply apecified above is less than thirty (30) days will be considered timely. If the period for reply apecified above is less than thirty (30) days will be considered timely. If the period for reply apecified above is less than thirty (30) days will be considered timely. If It approach is a period of the period | • • • • • • • • • • • • • • • • • • • | ppears on the cover sheet w | ith the correspondence address |
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| 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-38 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-38 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved by disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received in Application No. application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121. | Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a relation of the period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b). | I.136(a). In no event, however, may a eply within the statutory minimum of thin d will apply and will expire SIX (6) MOI ute, cause the application to become A | rty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133). |
| 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) | 1) Responsive to communication(s) filed on | | |
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| | 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) Notice of | , |

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-11 and 34-38, drawn to a floor mat, classified in class 15, subclass 215.
 - Claims 12-27, drawn to a tacky insert, classified in class 428, subclass 343.
 - III. Claims 28-30, drawn to a method for manufacturing a tacky insert of a floor mat, classified in class 156, subclass 60.
 - IV. Claims 31-33, drawn to an apparatus for manufacturing a tacky insert of a floor mat, classified in class subclass 349.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I, II, III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation and all have different functions.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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4. If Applicant elects the invention of Group I (floor mat), an election of species requirement will be made and Applicant must elect a single disclosed species as set forth below:

This application contains claims directed to the following patentably distinct species of the claimed invention: 1) Figs. 1,2, 2) Fig. 3, 3) Fig. 4, 4) Fig. 5, 5) Figs. 6,7, 6) Fig. 8, 7) Figs. 9,10,12, 8) Fig. 11, 9) Fig. 13, 10) Fig. 14, 11) Fig. 17, 12) Figs. 18,19,20, 13) Figs. 21,22, 14) Figs. 23,24C,24D,24E,26B,26C,26D, 15) Figs. 24A,24B, 16) Fig. 25, 17) Fig. 26A, 18) Figs. 27A,27B,27C, 19) Fig. 28,29A,29B,29C,30, 20) Figs. 31A,31B,31C,31D, and 21) Figs. 32A,32B,32C,32D,32E.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims





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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (703) 308-1613. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Application/Control Number: 09/935,672

Art Unit: 1744

Randall Chin Primary Examiner

Art Unit 1744

R. Chin